



PATENT  
Docket No. 514542000900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Roger O. WILLIAMS et al.

Serial No.: 10/010,366

Filing Date: November 5, 2001

For: APPARATUS AND METHOD FOR  
CONTROLLING THE FREE SURFACE  
OF LIQUID IN A WELL PLATE

Examiner: To Be Assigned

Group Art Unit: 2853

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

EDC Biosystems, Inc., the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Lisa A. Amii (Reg No. 48,199)  
Mehran Arjomand (Reg No. 48,231)  
Sanjay S. Bagade (Reg No. 42,280)  
Shantanu Basu (Reg No. 43,318)  
Vincent J. Belusko (Reg No. 30,820)  
Kimberly A. Bolin (Reg No. 44,546)  
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Robert K. Cerpa (Reg No. 39,933)  
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Matthew M. D'Amore (Reg No. 42,457)  
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Madeline I. Johnston (Reg No. 36,174)  
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Phillip Reilly (Reg No. 41,415)  
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Kevin R. Spivak (Reg No. 43,148)  
Thomas L. Treffert (Reg No. P48,279)  
Michael R. Ward (Reg No. 38,651)  
Todd W. Wight (Reg No. 45,218)  
Frank Wu (Reg No. 41,386)  
Peter J. Yim (Reg No. 44,417)  
Karen R. Zachow (Reg No. 46,332)

Douglas G. Hodder (Reg No. 41,840)  
Charles D. Holland (Reg No. 35,196)  
Peter Hsieh (Reg No. 44,780)  
Wayne Jaeschke, Jr. (Reg No. 38,503)  
Parisa Jorjani (Reg No. 46,813)  
Richard C. Kim (Reg No. 40,046)  
Lawrence B. Kong (Reg No. P49,043)  
Glenn Kubota (Reg No. 44,197)  
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Terri Shieh-Newton (Reg No. 47,081)  
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Brenda J. Wallach (Reg No. 45,193)  
E. Thomas Wheelock (Reg No. 28,825)  
Eric Witt (Reg No. 44,408)  
David T. Yang (Reg No. 44,415)  
George C. Yu (Reg No. 44,418)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (650) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all written communications relative to this application to:

Richard R. Batt  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018

Please direct all telephone communications to Richard R. Batt at (650) 813-5616.

EDC Biosystems, Inc.  
a California corporation

Dated: 02-11, 2002



Name: Roger O. Williams  
Title: President, C.E.O  
Address: 871 Fox Lane  
San Jose, CA 95131

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PATENT  
Docket No. 514542000900

### DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: APPARATUS AND METHOD FOR CONTROLLING THE FREE SURFACE OF LIQUID IN A WELL PLATE, the specification of which is attached hereto unless the following box is checked:

☒ was filed on November 5, 2001 as United States Application Serial No. 10/010,366.

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:


Application Serial No.	Filing Date

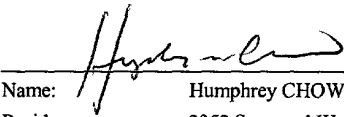
We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to

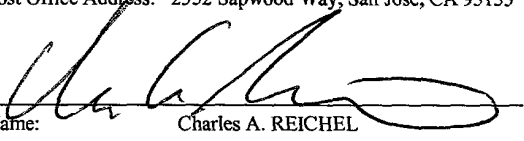
patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

02-11-2002   
Date Name: Roger O. WILLIAMS  
Residence: 4678 E. Foothill Drive, Paradise Valley, AZ 85253  
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2/11/02   
Date Name: Humphrey CHOW  
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2/11/02   
Date Name: Charles A. REICHEL  
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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Roger O. WILLIAMS et al.

Application No./Patent No.: 10/010,366

Filed/Issue Date: November 5, 2001

Entitled: APPARATUS AND METHOD FOR CONTROLLING THE FREE SURFACE OF LIQUID IN A WELL PLATE

EDC Biosystems, Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

**[NOTE:]** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

02-11-2002  
Date

Roger O. Williams  
(signer)

[Signature]  
Signature

President, CEO.  
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**ASSIGNMENT  
JOINT**

THIS ASSIGNMENT, by Roger O. WILLIAMS, Humphrey CHOW and Charles A. REICHEL (hereinafter referred to as the assignors), residing at 4678 E. Foothill Drive, Paradise Valley, AZ 85253; 2352 Sapwood Way, San Jose, CA 95133 and 37135 Bodily Avenue, Fremont, CA 94536, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in APPARATUS AND METHOD FOR CONTROLLING THE FREE SURFACE OF LIQUID IN A WELL PLATE, set forth in an application for Letters Patent of the United States, bearing Serial No. 10/010,366 and filed on November 5, 2001; and

WHEREAS, EDC Biosystems, Inc., a corporation duly organized under and pursuant to the laws of California and having its principal place of business at 871 Fox Lane, San Jose, California 95131 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

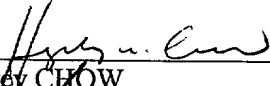
NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

02-11-2002   
Date Roger O. WILLIAMS

2/11/02   
Date Humphrey CHOW

2/11/02   
Date Charles A. REICHEL

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